

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action of December 15, 2008, are respectfully requested in view of this amendment and the following reasons. By this amendment, claims 1 and 19 have been amended. Accordingly, claims 1-26 are pending in this application.

Claims 1 and 19 have been amended to clarify the antecedent basis for the use of the receiving device during the providing of information. In addition, claim 19 has been amended to change, "at least one receiving device" to read, "a receiving device." It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

In the outstanding Office Action, the Examiner rejected claims 1-26 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,790,178 issued to Mault et al. (hereinafter *Mault*), taken in view of U.S. Patent No. 6,032,108 issued to Seiple et al. (hereinafter *Seiple*).

Antecedent Basis in Claims

In the Advisory Action dated March 6, 2009, the Examiner pointed out a potential issue regarding the reference in claim 19 to "at least one" receiver as an antecedent basis for "the" receiver. Applicants noted the reference to "at least one" receiving device and have amended claim 19 accordingly. Therefore, claim 19, and claims dependent therefrom, are believed to be in compliance with the requirements of 35 U.S.C. 112, 2nd paragraph.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1-26 under 35 U.S.C. 103(a) over *Mault* in view of *Seiple*. The *Seiple* reference is cited as allegedly disclosing the "selecting" feature (i.e., selecting, based on the sport in question, from the received sports activity information a predefined set of pieces

of sports activity information with the receiving device). The *Mault* reference is cited as allegedly disclosing the rest of the features.

Response

This rejection is traversed as follows. To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

A *prima facie* case of obviousness must also include a showing of the reasons why it would be obvious to modify the references to produce the present invention. *See Dystar Textilfarben GMBH v. C. H. Patrick*, 464 F.3d 1356 (Fed. Cir. 2006). The Examiner bears the initial burden to provide some convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings. *Id.* at 1366.

Applicants' claims set forth:

... transmitting ... the measured sports activity information to a receiving device via a communication link during the activity; selecting, based on the sport in question, from the received sports activity information a predefined set of pieces of sports activity information with the receiving device; and providing ... feedback based on the selected sports activity information. (Claim 1; claims 10, 13 and 19 similar.)

The cited references fail to suggest the claimed feature of, "selecting, based on the sport in question". Therefore, there is no suggestion of selecting, based on the sport in question, from the received sports activity information a predefined set of pieces of sports activity information with the receiving device.

The Examiner admits that *Mault* fails to teach the methodology of selecting for transmitting the sport activity feedback to the receiving device. The Examiner thus alleges that *Seiple* discloses this missing feature.

That assertion is respectfully traversed. Specifically, the referenced section in *Seiple*, column 10, lines 1-13, fails to suggest the afore-mentioned feature. To the contrary this text concerns post event analysis and post event analysis software in another device (i.e., personal computer; see column 9 lines 58-67). In this respect, *Seiple* actually "teaches away from" Applicants' claimed subject matter.

Applicants respectfully submit that claim 1 is directed to an arrangement in which sports activity information is transmitted from a measurement device to a receiving device. This receiving device selects the predefined set of pieces of sports activity information, and the same receiving device gives the feedback to the user. It is clear that, when attempting to read *Seiple* into the wording of claim 1, the wrist watch display 10 is the claimed receiving device which receives information from other units; however, this fails to suggest the "selecting" feature. Applicants respectfully submit that in order to be within the scope of claim 1, it is this wrist watch display 10 that should perform the "selecting" feature. The passage on column 10, lines 1-13, though, completely fails to suggest this feature or anything related to this feature. Specifically, according to this passage and the passage immediately preceding that it is clear that the post analysis is performed in the PC, and specifically not in the wrist computer 10.

Accordingly, *Seiple* is used to show a *different* feature in a *different* arrangement to provide *different* information.

The cited prior art combination therefore fails to show or suggest Applicants' claimed subject matter as set forth in claims 1, 10, 13 and 19. It is therefore respectfully submitted that the rejection under 35 U.S.C. 103(a) should be withdrawn.

Examiner's Response to Applicants' Prior Arguments

The Examiner's acknowledgement of Applicants' arguments with respect to the cited art is noted. It is respectfully pointed out that the basis for Applicants' arguments still remains in view of the new grounds for rejection, under the newly-cited art. Accordingly, Applicants refer again to these arguments with respect to the current rejections.

CONCLUSION

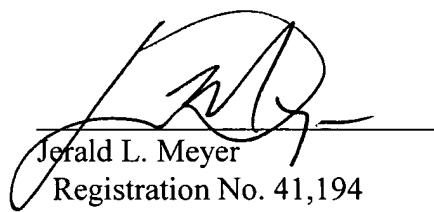
Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Respectfully submitted,
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